

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harold L. Mantius et al. Art Unit : 1761
Serial No. : 09/892,110 Examiner : Helen F. Pratt
Filed : June 26, 2001
Title : PROCESS FOR PRODUCING SUGARS AND ACIDS-RICH JUICE AND
PHYTOCHEMICAL-RICH JUICE

130-1814

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), OCEAN SPRAY CRANBERRIES, INC., certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment from the inventors of the patent application referenced above. The assignment was recorded in the Patent and Trademark Office at Reel 012510 Frame 0814 on January 18, 2002. OCEAN SPRAY CRANBERRIES, INC. also certifies that it is the assignee of U.S. Patent No. 6,733,813.

The undersigned has reviewed all the documents in the chain of title of the above-referenced application and to the best of undersigned's knowledge and belief, title is in OCEAN SPRAY CRANBERRIES, INC..

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignee referenced above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of, provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,733,813.

The assignee referenced above does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of U.S.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

October 18, 2005
Date of Transmission

Carrie A. Amonte
Signature

Carrie A. Amonte
Typed or Printed Name of Person Signing Certificate

OCT. 21. 2005 3:54PM

(3) FISH & RICHARDSON 6175428906

NO. 4520 P. 3

Applicant : Harold L. Mantius et al.
Serial No. : 09/892,110
Filed : June 26, 2001
Page : 2 of 2

Attorney Docket No.: 00414-057001

Patent No. 6,733,813 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,733,813.

This disclaimer runs with any patent granted on the above-referenced application and is binding upon the grantee, its successors or assigns.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 00414-057001.

Respectfully submitted,

Date: 18 OCT 2005


Anita L. Meiklejohn, Ph.D.
Reg. No. 35,283

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21187908.doc

United States Patent and Trademark Office
- Sales Receipt -

10/25/2005 BHARRIS1 00000005 061050 09892110
Sale Ref: 00000005 DA#: 061050 09892110
01 FC:1814 130.00 DA